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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,926	08/25/2003	Mitsuru Amimoto	03560.017496.	1957
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				GETANEH, MESFIN S
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/646,926 MESFIN GETANEH	AMIMOTO ET AL. Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 March 2008.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4,5,11,13,17 and 19-24 is/are pending in the application.
 4a) Of the above claim(s) 1-3,6-10,12,14-16 and 18 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 4,5,11,13,17 and 19-24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4, 5, 11, 13, 17 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochi et al. herein after Ochi (US 7,034,967) in view of Chang (US Pat 6,519,023).

With regards to **claim 17**, Ochi teaches an image reading apparatus for reading a transparent original (flat bed scanner 71 in FIG. 5) in which a transparent original illuminating device (transparent original adapter 73 in FIG. 5), a transparent original (film 21 in FIG. 5), **a transparent original plate** (platen glass 100 in FIG. 5), an imaging lens (projection lens 52 in FIG. 5) and a reading sensor (line sensor 97 in FIG. 5) are arranged in order (col. 12, line 45-50, col. 13, line 60-67),

Supporting roller drive circuit moves the film supporting rollers downward when reading film against original placement plane of platen glass along film passing plane (col. 13, line 53-59).

However, Ochi does not explicitly teach wherein said transparent original illuminating device is provided at its transparent original side with a plurality of urging portions disposed at positions corresponding to an out of an image area of the

transparent original and protruded, **less than a depth of field of said lens**, above a light **emitting** surface, and the transparent original is urged against said transparent original plate by said urging portions.

Chang teaches the transparency may be smoothly rested on the glass window of the body by the light permeable face of the plane light source. Thus, the light of the plane light source may penetrate the light permeable face of the plane light source, and pass through the transparency and the glass window of the body, to proceed the image scanning. The plane light source, the transparency, and the glass window of the body present a smooth resting state within 0.3mm (col. 3, line 39-51).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to use a light source that pressed against the original within the scanning depth to obtain a clear image (Chang, col. 3, line 50-55).

With regards to **claim 19**, which further limits **claim 17**, Ochi teaches wherein said plurality of urging portions (film supporting rollers 75 and 76 of FIG. 5) are provided on an out, **in a width direction of the transparent original** (FIG. 8), of a light emitting area of said transparent original illuminating device (col. 16, line 45-51).

With regards to **claim 20**, which further limits **claim 17**, Ochi teaches wherein each of said plurality of urging portions is greater than a perforation hole of the transparent original (film supporting rollers 75 and 76 are greater than perforations 24 and 23 as shown in FIG 6).

With regards to **claim 21**, which further limits **claim 17**, Ochi teaches a transparent original guide rested on said transparent original plate and adapted to

determine positions of the transparent original and said transparent original illuminating device (**col. 19, line 23-30**).

With regards to **claim 5**, which further limits **claim 21**, Ochi teaches wherein a contact surface between said **illuminating device** (transparent original adapter 71) **and said guide** (film supporting rollers 75 and 76) is provided with sliding preventing means (FIG. 5).

With regards to **claim 22**, which further limits **claim 21**, Ochi teaches wherein said transparent original guide is provided with a spacer member located at a position out of an image area of the transparent original and inside of said urging portions between the transparent original and said transparent original plate (FIG. 5, film supporting members 75 and 76 create a space under a delivery device of DC motor 31 and take-up spool 32).

With regards to **claim 11**, which further limits **claim 21**, Ochi teaches positioning means for determining a relative position between the transparent original and **said guide unit** and **said light source unit** (light source drive circuit 78 and optical drive circuit 66 of FIG. 6), and wherein, by the positioning of said positioning means, said light source unit can illuminate the entirety of at least any one image surface of among plural images included in the transparent original (**col.14, line 47-57**).

With regards to **claim 13**, which further limits **claim 11**, Ochi teaches wherein said positioning means include a convex/concave portion provided between said guide unit and said light source unit (**col. 19, line 13-17**).

With regards to **claim 23**, Ochi teaches a transparent original illuminating apparatus which is to be installed on a transparent original plate together with a transparent original when the transparent original is read by an image reading apparatus in which said transparent original plate (transparent original adapter 73), an imaging lens and a reading sensor are arranged in order (projection lens 52 and line sensor 97),

Supporting roller drive circuit moves the film supporting rollers downward when reading film against original placement plane of platen glass along film passing plane (col. 13, line 53-59).

However, Ochi does not explicitly teach wherein said transparent original illuminating apparatus is provided at its transparent original side with a plurality of urging portions disposed at positions corresponding to an out of an image area of the transparent original and protruded, **less than a depth of field of said lens**, above a light **emitting** surface, and the transparent original is urged against said transparent original plate by said urging portions.

Chang teaches the transparency may be smoothly rested on the glass window of the body by the light permeable face of the plane light source. Thus, the light of the plane light source may penetrate the light permeable face of the plane light source, and pass through the transparency and the glass window of the body, to proceed the image scanning. The plane light source, the transparency, and the glass window of the body present a smooth resting state within 0.3mm (col. 3, line 39-51).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to use a light source that pressed against the original within the scanning depth to obtain a clear image (Chang, col. 3, line 50-55).

With regards to **claim 24**, which further limits **claim 23**, Ochi teaches a transparent original guide for determining a position with respect to the transparent original (**FIG.5**, a delivery device in a film passing plane 13C, **col. 3, line 13-14**).

3. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochi et al. herein after Ochi (US 7,034,967) in view of Chang (US Pat 6,519,023) and further in view of Hamasaki (US Pat 4,627, 704).

With regards to **claim 4**, which further limits claim 17, the rationale provided in claim 17 is incorporated herein.

Ochi teaches an image reading apparatus where in said image reading unit includes a projection lens and a focusing mechanism (**col. 7, line 27-33, col. 9, line 18, and col. 15, line 28-35**).

However, Ochi does not teach wherein said **lens** is a rod lens array.

Hamasaki teaches a rod lens array used to focus reflected light from the original onto the optical-sensitive member (**col. 2, line 44-46**).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to use a focus lens having a rod lens array for the purpose of focusing the original.

Response to Arguments

4. Applicant's arguments with respect to claims 4, 5, 11, 13, 17 and 19-24 have been considered but are moot in view of the new ground(s) of rejection.
5. Examiner would like to point out that applicant incorrectly identified claim 22 as cancelled.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESFIN GETANEH whose telephone number is (571)270-3752. The examiner can normally be reached on 9:00AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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